

Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3020218

Applicant Name: Julie Ledoux

Address of Proposal: 9519 5th Ave NE

SUMMARY OF PROPOSAL

Land Use Application to subdivide one parcel into two parcels of land in an environmentally critical area. Proposed parcel sizes are: A) 5,673 sq. ft. and B) 6,683 sq. ft. Existing structure on parcel B to remain.

The following approval is required:

Short Subdivision - to create two parcels (Seattle Municipal Code (SMC) Chapter 23.24)

SEPA Environmental Determination (SMC Chapter 25.05)

SEPA DETERMINATION:

Determination of Non-Significance (DNS)

BACKGROUND INFORMATION

Site Zone: Single Family 7200 (SF 7200)

Nearby Zones: Neighborhood Commercial 3 - 65'
height limit (North)
SF 7200 (South)
SF 5000 (East)
SF 7200 (West)



Uses on Site: Single family residence

Site Description: The subject property is located on the west side of 5th Ave NE and consists of one irregularly shaped parcel containing approximately 12,350 square feet (sq. ft.). The site is relatively level with the exception of a steep slope along the western edge and northwest corner.

Existing and proposed access to the site is from 5th Ave NE via individual private access for each parcel.

Environmentally Critical Areas (ECA): A portion of the site is mapped Environmentally Critical Area – Steep Slope Area. The applicant applied for and received a Limited Steep Slope Exemption, as follows:

“Based on a review of the submitted information, and the City GIS system, DPD concludes that the ECA Steep Slope area on and adjacent to the property appears to be the result of previous legal grading. Consequently, the project qualifies for the Relief From Prohibition On Steep Slope Development criteria, as described in SMC 25.09.180 B2b. An ECA Steep Slope Area Variance, or an Exception, is not required to develop this property.”

Public Comment: One comment was received during the public comment period ending on July 8, 2015 regarding the size of the lots, undesirable development pattern not consistent with the existing character, reduction in tree cover and vegetation in an ECA, and atypical access.

ANALYSIS – SHORT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat:

1. *Conformance to the applicable Land Use Code provisions, as modified by this chapter;*
2. *Adequacy of access for pedestrians, vehicles, utilities and fire protection as provided in Section 23.53.005, Access to lots, and Section 23.53.006, Pedestrian access and circulation;*
3. *Adequacy of drainage, water supply and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas;*
6. *Whether the proposed division of land is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouse, rowhouse, and cottage housing developments as permitted in Single-Family, Residential Small Lot, and Lowrise zones and for single-family dwelling units in Lowrise zones, or any combination of the above types of residential development, as permitted in the applicable zones; and;*
8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two or more lots from one lot with more than one existing single-family dwelling unit.*

9. *Every lot except unit lots and lots proposed to be platted for individual live-work units in zones where live-work units are permitted, shall conform to the following standards for lot configuration, unless a special exception is authorized under subsection 23.24.040.B:*
- a. *If a lot is proposed with street frontage, then one lot line shall abut the street for at least 10 feet; and*
 - b. *No lot shall be less than 10 feet wide for a distance of more than 10 feet as measured at any point; and*
 - c. *No proposed lot shall have more than six separate lot lines. The lot lines shall be straight lines, unless the irregularly shaped lot line is caused by an existing right-of-way or an existing lot line; and*
 - d. *If the property proposed for subdivision is adjacent to an alley, and the adjacent alley is either improved or required to be improved according to the standards of Section 23. 53.030, then no new lot shall be proposed that does not provide alley access, except that access from a street to an existing use or structure is not required to be changed to alley access. Proposed new lots shall have sufficient frontage on the alley to meet access standards for the zone in which the property is located.*

Conclusion – Short Subdivision

Based on information provided by the applicant, referral comments from DPD and other City Departments, and review and analysis by the Land Use Planner, the above criteria have been met. The short subdivision meets all minimum standards or applicable exceptions set forth in the Land Use Code. This short subdivision will provide pedestrian and vehicular access (including emergency vehicles), and public and private utilities. An existing power pole is located in the right-of-way adjacent to parcel A. Future access and development will be required to meet utility clearances. Adequate provisions for drainage control, water supply and sanitary sewage disposal will be provided for each lot and service is assured, subject to standard conditions governing utility extensions. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

The proposed short subdivision and associated Environmentally Critical Area exemption comply with SMC 25.09.240. Future construction will be subject to the provisions of SMC 23.44, which sets forth development standards for single family zones and tree ordinance regulations of SMC 25.11.

DECISION – SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

ANALYSIS - SEPA

The proposed site is located in an environmentally critical area (ECA), as noted above. However, the subject site received a limited exemption from the standards for steep slope development on July 15, 2015. The property is still subject to all other ECA standards and is regulated as a potential landslide site. Thus, the application is not exempt from SEPA review. However, SMC 25.05.908 provides the scope of environmental review of projects within these critical areas is limited to: 1)

documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist dated June 15, 2015 was submitted by the applicant. A geotechnical report (PanGEO, Inc. dated June 10, 2015) was also submitted. The information in the checklist, geotechnical report, supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the plat documents and any additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in this analysis, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The SEPA Overview Policy (SMC 25.05.665) states, in part, "Where City regulations have been adopted to address and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered.

Short-term Impacts

While this review is restricted to the division of land only, the following temporary or construction related impacts are expected at a future date as a result of this proposal: temporary soil erosion, increased vibration from construction operations and equipment and an increase in carbon dioxide and other greenhouse gas emissions. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794). Future construction plans including shoring of excavations as needed and erosion control techniques will be reviewed by DPD at time of building permit application. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. The following warrants further discussion.

Air Quality/Greenhouse Gas Emissions - While this review is restricted to the division of land only, future construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves may result in increases in carbon dioxide and other greenhouse gas emissions which

adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. SEPA conditioning is not warranted to mitigate air quality impacts pursuant to SEPA Policy (SMC 25.05.675.A.).

Earth / Soils - The ECA Ordinance and Directors Rule (DR) 18-2011 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in landslide prone areas. Pursuant to this requirement the applicant submitted a geotechnical report (PanGEO, Inc. dated June 10, 2015). The geotechnical study has been reviewed by DPD's geotechnical experts who determined that the impacts to soils can be sufficiently mitigated through the Grading Code and Stormwater Code review by the Geotechnical Engineer during the Building Permit phase of review. The applicant will be required to submit geotechnical studies and any other information to determine compliance with those Codes during Building Permit review. No additional mitigation is warranted pursuant to SEPA policies.

Long -term Impacts

While this review is restricted to the division of land only, the following long term or use-related impacts on the Environmentally Critical Area are also anticipated at a future date as a result of this proposal, including: increased surface water runoff due to greater site coverage by impervious surfaces and loss of plant and animal habitat. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the Optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

CONDITIONS OF APPROVAL – SEPA

None required.

CONDITIONS OF APPROVAL – SHORT SUBDIVISION

Condition of Approval Prior to Recording

1. All structures on the lots shall be designed and built to accommodate the grade of the future street improvements.
2. No-protest agreement requirement. A no-protest agreement to future street improvements is required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Recorder and a copy of the recorded document should be submitted with your final plat.

Signature: Betty Galarosa for Date: September 24, 2015
BreAnne McConkie, Land Use Planner
Department of Planning and Development

BM:bg

McConkie/FINAL_SEPA Short Plat DNS.docx

IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.